

STATE OF WISCONSIN, COURT OF APPEALS, DISTRICT 3

For Official Use

State of Wisconsin)
 _____)
 _____)
 (party designation) Plaintiff-Respondent)
 _____)
 -vs-)
 _____)
 Desmond Anthony Mattis)
 _____)
 _____)
 (party designation) Defendant-Appellant)

**Brief
Cover**

Case No. 2016AP000982

RECEIVED

AUG 26 2016

CLERK OF COURT OF APPEALS
OF WISCONSIN

ON APPEAL FROM THE CIRCUIT COURT FOR St Croix COUNTY,

THE HONORABLE (name of Judge) Scott R. Needham, PRESIDING

BRIEF OF Desmond Anthony Mattis - Defendant-Appellant *

Name: Desmond Anthony Mattis
 State Bar No., if applicable: _____
 Address: 1700 Roosevelt St, Little Chute, WI 54140
 Telephone No.: 920-483-0247

BRIEF COVERS, FRONT AND BACK, MUST BE THE FOLLOWING COLORS:

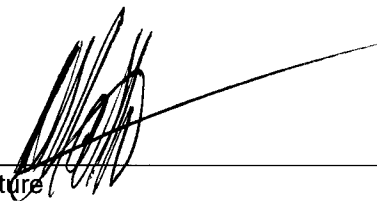
- Appellant's Brief: **BLUE**
- Respondent's Brief: **RED**
- Reply Brief: **GRAY**
- Separate Appendix: **WHITE**

* STATE THE PARTY'S STATUS in the circuit court *and* in the appellate court (e.g., Plaintiff-Appellant, Defendant-Appellant, Plaintiff-Respondent, etc.).

CERTIFICATION OF MAILING

I certify that this brief or appendix was deposited in the United States mail for delivery to the Clerk of the Court of Appeals by first-class mail, or other class of mail that is at least as expeditious, on (date of mailing) August 24, 2016. I further certify that the brief or appendix was correctly addressed and postage was pre-paid.

Date: 08/24/2016


Signature _____

OR

CERTIFICATION OF THIRD-PARTY COMMERCIAL DELIVERY

I certify that on (date of delivery to carrier) _____, this brief or appendix was delivered to a third-party commercial carrier for delivery to the Clerk of the Court of Appeals within 3 calendar days. I further certify that the brief or appendix was correctly addressed.

Date: _____

Signature: _____

NOTE: You may also file an affidavit of mailing or delivery, setting forth the same information. See §809.80(4), Wis. Stats.

TABLE OF CONTENTS

STATEMENT OF THE ISSUES

Issues of the Case

Issue 1: Incident Investigation and Arrest _	PAGE 3
Issue 2: Fabrication Information _____	PAGE 3
Issue 3: Inadequate Representation _____	PAGE 3
Issue 4: The Case of Mental Health _____	PAGE 3
issue 5: Abused while on trial _____	PAGE 3

STATEMENT ON ORAL ARGUMENT

Oral Argument Statement _____	PAGE 4
-------------------------------	--------

STATEMENT ON PUBLISHING

Publishing Statement _____	PAGE 5
----------------------------	--------

STATEMENT OF THE CASE

Proceedings of the case _____	PAGE 6-7
-------------------------------	----------

ARGUMENT

Incident Investigation and Arrest _____	PAGE 8-10
Fabrication of Information _____	PAGE 11
Inadequate Representation _____	PAGE 12-13
The Case of Mental Health _____	PAGE 14-29
Abused while on Trial _____	PAGE 30

CONCLUSION

The Relief Sought _____	PAGE 31
-------------------------	---------

SIGNATURE

Certificate _____	PAGE 32
-------------------	---------

APPENDIX

Appendix cover _____	PAGE 33
----------------------	---------

TABLE OF AUTHORITIES

US Constitution, 4th Amd _____	PAGE 8
U.S.C. Title 18, § 242 _____	PAGE 8
WI Constitution, Art 1, § 1 _____	PAGE 9
Substantive due process _____	PAGE 9
NRPD Vehicle Impound/Inventory Report_	PAGE 10
WI Statues § 903.01 _____	PAGE 10
Due Process, State v. Samuel _____	PAGE 9
Due Process, State v. Glass _____	PAGE 11
WI Statute § 939.70 _____	PAGE 13
WI Stat § 971.15(3) _____	PAGE 14
18 U.S. Code § 4241(a) _____	PAGE 14
Judiciary on Mental Condition _____	PAGE 15
Physician call on Chapter 51 _____	PAGE 16
Commitment Order _____	PAGE 17
DHHS Assessment and Diagnosis _____	PAGE 18
Mental Health Diagnosis _____	PAGE 19-20
Mental Health Assessment _____	PAGE 21-22
DSM-V Multi Axial System _____	PAGE 23
DSM-V Code & Description _____	PAGE 24
DSM-V Axis-I Analyzed _____	PAGE 25
GAF Description _____	PAGE 26
Witnesses Testimony _____	PAGE 27-29

STATEMENT OF THE ISSUES

Issues of the Case

Issue 1. Incident Investigation and Arrest. The disorderly conduct information provided misleading information on the true sequences of events. Complaining witness Pamela H lied to officers. Investigation by officers Sather and Anderson were poorly conducted and inadequate. And with reference to police document; *See Arg.* New Richmond Police Vehicle Inventory, p 32, a peaceful extraction was underway. Contents of my vehicle includes sheets, blankets, shoes and towels were removed with permission on the night of October 11, 2013. Attesting I was able to make several uninterrupted and consensual trip from the home to my vehicle. This account was not presented to the court by attorney Smestad Nor myself due to mental illness.

Issue 2. Fabrication Information. Officer Sather's report claimed that I made a statement of the incident on October 11, 2013. *See App.*, p. 35. *Para 5,6.* I did not make such statement. Officer Sather utilized information of the relationship he obtained from Haukeness during hospital visit a week before the incident of October 11, 2013.

Issue 3. Inadequate Representation. During the first meeting with attorney Smestad on November 18, 2013, I was able to mentioned to him that the disorderly conduct information was a fabrication. Smesatd disregarded this claim with his response; "Don't pay that any mind". On or before January 22, 2014, attorney Smestad was handed piece of document that should raised questions on my readiness to voluntarily enter a plea and waving of rights. *See Arg.*, p.17.

issues 4. The Case of Mental Health. Proof I was vacuous and without substantial mental capacity during trial can now be presented in a hearing. *See Arg.*, p. 18-29. This rendered my ability to think wholly and to concentrate objectively. And a state of diminished mental faculty created an impairment that allowed my mind to easily cooperate without objection. It is also reasonable to assume that a much higher index of diagnosis would have existed at and soon after the frightening occurrences of October 11, 2013. Based on the DSM-IV Axis V scale, *See Arg.* p.20, I would have attained a diagnosis code 21-30.

See Arg. Diagnosis(GAF), Axis V. p 14. Trial court based its decision on an impression and without the evidence of a mental capacity assessment. Furthermore, a person's capacity should not be assessed solely on the basis of:

- the way a person looks
- the way a person presents himself
- the way a person communicates
- the way a person acts or behaves

At attorney Smestad's coercion and direction, my responses and signing to the charges, penalties, rights and plea, were made involuntarily. And now of sound mind, I can say that these responses were not done of self, nor intelligently and knowingly *id.* And the foregoing demonstrate that trial court erred in giving the reasons for its **decision and order to deny my Postconviction motions.**

Issues 5. Abused while on trial. Among conditions of bond set by the court were; "NO ABUSIVE CONTACT with the complaining witness, Pamela H". This error was based on misleading information submitted in the complaint. As new evidence demonstrates, the abuse was being done by complaining witness Pamela H. *See Motion for admissibility of new evidence of the alleged victim's violent character.* And conviction was based on misleading information of circumstances. Now proven with a finding of fact.

STATEMENT ON ORAL ARGUMENT

Oral Argument Statement

No oral argument is necessary in this appeal in the court of appeal.

Because any relevance of oral argument is outweighed with written argument.

The record on appeal and other material entry in this brief is sufficient for consideration by the Court of Appeal of Wisconsin.

STATEMENT ON PUBLISHING

Publishing Statement

This states that the opinions of this brief in the court of appeal of Wisconsin may be published.

STATEMENT OF THE CASE

Proceedings of the Case

1. January 29, 2014, information were filed in the St. Croix Municipal Court with the charges :
 - Disorderly Conduct
 - Contact After Domestic Abuse Arrest
 - Attempting to Flee or Elude a Traffic Officer

See Ct Case 2013CF000384
2. November 18, 2013: I was book to appear in the St. Croix Municipal Court. *See Sheriff's Office case NR2013003065.* At my initial appearance, I met with attorney Smestad before my case was called. The court inform me of the charges and possible penalties and rights. At attorney Smestad's advice, I respond in agreement. Bond continue with conditions set forth
3. On November 19, 2013: I was found qualified, and was officially assigned attorney Brian Smestad from the St. Croix Public Defender Office
4. January 22, 2014: At preliminary hearing with attorney Smestad. On advice, waive preliminary hearing. Trial court inform of reconciliation of complaining witness Pamela H and myself. Court contacted Pamela H and received confirmation
5. March 07, 2014: At arraignment with attorney Smestad. On advice, I offered response that I understand the charges, possible penalties and right. When in fact I did not. Waived reading and speedy trial. Court inform parties motions, if any, to be made within 15 business days of this date
6. April 04, 2014: At pre-trial conference with attorney Smestad. Smestad advise of an agreement with the state and request more time. I ask what is that, and advise a charge will be dropped
7. May 06, 2014: At Status Conference with attorney Smestad. Smestad informed court of possible effect to my immigration status and request to continue
8. June 04, 2014: At Status Conference with attorney Smestad. inform court of my residency status and pending agreement and request to continue. Court set deadline for agreement at 09/02/2014. If no agreement, all motions, verdict forms, jury instructions and witness list are due on 09/08/2014
9. March 07, 2014: I notify trial court and attorney Smestad of address change of reconciled parties.
10. September 02, 2014: At Final pre-Trial with attorney Smestad. Smestad advise court of agreement reached-Jury trial to be removed. Letter from complaining witness/victim Pamela H presented. Court sets plea/sentencing date. I did not know what this all meant.
11. September 15, 2014: At Plea/Sentencing hearing with attorney Smestad. The state inform trial court of agreement of parties. On advice of attorney Smestad, I am to plead no contest to count 1 and 2, and enter a diversion agreement on count 3. Trial court informs me of rights and finds plea made freely, voluntarily and knowingly. Trial court accepted my plea and find factual basis for guilt and handed down sentence. Smestad presented Plea and Appeal rights documents, signed by both parties. A Deferred Prosecution Agreement with amended charges were signed by all parties
See Judgment of Conviction, 2013 CF 000384

STATEMENT OF THE CASE

12. March 25, 2016: I filed a Motion for Post Conviction Relief on count 2.
Relying on Wis. § 974.06(2) and set forth grounds for consideration for trial court
13. March 30, 2016: The State filed a motion to deny my motion for Post Conviction Relief
14. April 07, 2016: I filed a letter to trial court judge in response to state motion
15. April 28, 2016: Trial court filed a decision and order denying my Motion for Post Conviction Relief.
And set forth the opinion "...knowingly, intelligently and voluntarily entered Agreement.."
16. May 05, 2016: I filed a motion for Post Conviction Relief on count 3
17. May 11, 2016: I filed a Notice of Appeal with the Wisconsin Court of Appeal
18. June 6, 2016: Trial court filed a decision and order denying my Motion for Post Conviction Relief.
And set forth the opinion "...knowingly, intelligently and voluntarily entered Agreement.."

ARGUMENT

Incident Investigation and Arrest

1. Officers Sather and De La Cruz, knew, or should have known, that the my only complain that evening, was meeting resistance in removing the complete bed. This I attempted to make over the 911 call, and while officers were present on the scene. And finally just before being transported to county lockup that evening
2. It was established and accepted by Haukeness, and by officers' Sather, De La Cruz and Anderson that the bed in the driveway was that of my property. Which would be seize later and return inside the home of Haukeness
3. My permission was sought and granted to move the vehicle from within the driveway of the residence to across the street. My permission was sought and not granted to move the bed back into the home of Haukeness. And being that the bed was beside the vehicle in the driveway at the time, it is reasonable to assume and expect the bed to have been move along with vehicle also
4. This wrongful arrest was done with poorly conducted investigation and without cause. See **Statement of Facts. pg 1,2, Motion on count 2**. These frightening aggravation became further psychological stressors that contributed to a deterioration of my mental illness. And contributed to subsequent events that evening

Several Federal and State laws were breached during officers Sather, De La Cruz and Anderson investigation procedure. Which will be relied on for relief in Federal court.

:

U.S. Constitution , 4th Amendment of the

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized

U.S. Constitution, TITLE 18, §242 - Deprivation of Rights Under Color of Law

This statute makes it a crime for any person acting under color of law, statute, ordinance, regulation, or custom to willfully deprive or cause to be deprived from any person those rights, privileges, or immunities secured or protected by the Constitution and laws of the U.S.

ARGUMENT

Incident Investigation and Arrest

State laws cited during officers Sather, De La Cruz and Anderson investigation procedure

WI Constitution, Art 1, § 1 - Due Process

A procedural due process claim arises when there is a deprivation of a right without sufficient process. Generally a pre-deprivation hearing is required, but when a deprivation results from a random act of a state employee, the question becomes the adequacy of post-deprivation remedies.

Jones v. Dane County, 195 Wis. 2d 892, 537 N.W.2d 74 (Ct. App. 1995), 92-0946

Substantive due process is not violated by a police officer who causes death through deliberate or reckless indifference to life in a high speed chase aimed at apprehending a suspect. Only a purpose to cause harm unrelated to the legitimate object of arrest satisfies the element of arbitrary conduct shocking to the conscience necessary for a due process violation. *County of Sacramento v. Lewis, 523 U.S. 833, 118 S.Ct. 1708, 140 L. Ed. 2d 1043 (1998)*

In a procedural due process claim, it is not the deprivation of property or liberty that is unconstitutional; it is the deprivation without due process of law.

Arneson v. Jezwinski, 225 Wis. 2d 371, 592 N.W.2d 606 (1999), 97-1867

ARGUMENT

Incident Investigation and Arrest

New Richmond Police Department Vehicle Inventory report

Document showing evidence of clothing items, blanket, towel, and shoes were allowed by Pamela Haukeness to be taken to the vehicle before she became aggressive and escalated an otherwise peaceful process

New Richmond Police Department

Vehicle Inventory

	Start 10/13/13 1753hrs	Case# <u>NR2013003066</u>	End 1810hrs
1	Center Console - CD/DVDs DAVIS LEDGAIN OF THE ILLEGIS (BOIS MARIE)		
2	Center console - BMW-QUOTE AUDIO PROGRAM TAPES		
3	Center console - white iPhone and charger cord		
4	Front seat - Black Bag 3 keys + key fob, us bank checks, us bank checks, journal book, misc papers		
5	passenger front floor - red glasses, black leather 3m organize w/ man, cell phone case.		
6	Glove box - black + red sunglasses, flashlight, cell holder, misc papers/pens		
7	Rear seating - plastic bag w/ sheets + red towel, black leather craft narrow shoes, brown leather shoes		
8	Rear seating - plastic bag w/ zebra print blanket, black tie leather jacket, black sandals		
9	Rear seating - container of almonds, package of denture fire gun, 2 bottles of clear American wine.		
10	Rear hatch - Cig		
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			

WI Statues § 903.01. Presumptions in general. Except as provided by statute, a presumption recognized at common law or created by statute, including statutory provisions that certain basic facts are prima facie evidence of other facts, imposes on the party relying on the presumption the burden of proving the basic facts, but once the basic facts are found to exist the presumption imposes on the party against whom it is directed the burden of proving that the nonexistence of the presumed fact is more probable than its existence.

History: Sup. Ct. Order, 59 Wis. 2d R1, R41 (1973)

ARGUMENT

Fabrication of Information

Officer Sather made the arrest and submitted a complaint that contain a statement allegedly to have been made by me. This is a fabrication. I hereby states, that absolutely no statement were ever provided or collected from me. Not by any officers of the New Richmond Police Department present at that time. This is inconsistent with benighted illness, and lacking alertness of the present. It is idiotic to suggest that I would have made incriminating statement of the sort officer Sather inserted in his report. Reference to the years of the relationship, or about whose name is on the lease is without merit. It was already knowledge to me that Haukeness had been sleeping out, and grew numb and uncaring to the idea. I was hoping not to return anytime soon to the home.

This deliberate insertion of information by officer Sather is an attempt to embellish his report and give false impression of motive for unruliness.

Noteworthy, officer Sather had prior information on the relationship from his visit with myself and Haukeness at the hospital a week earlier. Haukeness had ask to accompany me when I mutter to her I was going to the hospital to seek help with my depression

Furthermore, if a statement was made by me, it would have reflected actual events as contain in the Statement of Facts submitted in my motion of the record. Which would include moving personal items to my vehicle with Haukeness' full cooperation. And a proper procedure of investigation would have also afforded officer Sather an opportunity to verify my statement by checking the content of my vehicle at that moment.

Haukeness escalated the event with violent resistance when I started on the bed. Turning an otherwise peaceful process into a disturbance. This lead to the police being called by Hill. These facts points to Haukeness as the aggressor and whose unruly behavior escalated the incident. Officer Sather made a bad call

Due process demands that a conviction not be based on unreliable evidence obtained through coerced witness statements resulting from egregious police practices. There are several factors to consider in determining whether police misconduct is so egregious that it produces statements that are unreliable as a matter of law and must be suppressed.

State v. Samuel, 2002 WI 34, 252 Wis. 2d 26, 643 N.W.2d 423, 99-2587

ARGUMENT

Inadequate Representation

1. Attorney Smestad was inadequate in his representing my defense. Smestad failed to raised my recent mental history and whether I am mentally and sufficiently capable to assist in my defense. In my review, Smestad had approached matters too narrowly and was too eager to disposed of the case. I lack knowledge of legal procedures, constitutional rights and diminished intelligence at the time. I was neither able to fully comprehend the nature and consequences of the proceedings, nor adequately able to assert my rights and assist attorney Smestad during trial proceedings. This therefore means the consequences of the legal proceedings are compromised, without it being recognized that one of the parties lacked that capacity. The instance of not asserting my case immediately when Smestad disregarded my claim of fabrication, is indicative of a poor state of mind to conduct opposition intelligently in the defense of the case
2. A first time offender, I was inexperienced lack understanding of criminal court proceedings and constitutional rights. I relied entirely on attorney Smestad's fair and complete legal professionalism. Smestad failed to inform me of my rights, failed to offer options other than a choice of plea deal. Smestad failed to advise me of the consequences of entering the wrong plea. And due to my debility, acted involuntarily under these condition. Therefore together with my mental deficiency and lack of knowing legal choices and rights, it amounted to not knowing and not voluntarily making decisions in the proceedings
3. I would not have signed to a plea contract if I had full understanding and intelligence to know. Especially in failing to submit statement of facts and Smestad's disregarding utterance of fabrication. In retrospect, I conclude that attorney Smestad's objective was to help maintain good standing with prosecutors. Possible for helpful consideration of future cases. A theory I contemplated was that the effort to fully investigate and mount an effective defense was not worth his time. Responses and action proffered at that time of trial by me were at the coercion of counsel and at his behest. A result of my psychiatric problems. My right to be heard were intentionally left out of my defense and negotiation by attorney Smestad
4. The severity of my infirmity was such that I myself could not know that I was not fit to contest the charges or effectively assist attorney Smestad. My severe depression rendered me unable to function substantially and to intelligently read and appreciate the contents of the plea document. In reference to the criminal complaint of disorderly conduct, I advise Smestad at our very first meeting that it was a fabrication. Smestad responded: "don't pay that any mind". My mental infirmity caused inability to followup, to insist on noting the facts. Make an effective defense as I was innocence of the complaint. It is compelling that if I were of substantial mental capacity, I would have insisted on presenting the facts and enquired further of my legal and constitutional rights
5. It is compelling that if my statement were taken and enter into evidence, a challenge to guilt of counts 1and 2 would have been established. Therefore any question of inadequate counsel is whether there is a reasonable probability that a jury or judge viewing the evidence untainted by counsel's errors would have had a reasonable doubt respecting guilt.

State v. Glass, 170 Wis. 2d 146, 488 N.W.2d 432 (Ct. App. 1992)

ARGUMENT

Inadequate Representation

6. Attorney Smestad's representation was ineffective at best and inadequate at worse. And hereby state that he failed to challenge the integrity, validity or substance of the criminal complaint. Smestad failure to enquire whether substantial mental capacity exist to personally enter the right plea or to enquire of any constitutional rights violation that could have form part of my defense.
7. Attorney Smestad had failed to:
 - 1) Advise me of my rights
 - 2) Take a true statement of actual events
 - 3) Challenge the prosecution case
 - 4) Motion for assessment of competency based on documents in hand
 - 5) An overall approach prejudicial to my case

To prevail on a claim that defense counsel's assistance was so defective as to require reversal of a conviction, a convicted defendant must show both that the attorney's performance was deficient and that the deficient performance prejudiced the defense. State v. Pitsch, 124 Wis. 2d 628, 633, 369 N.W.2d 711, 714 (1985) (citing Strickland v. Washington, 466 U.S. 668, 687 (1984))

Documentary evidence presented shows Smestad performance and strategy prejudiced my defense. The conviction on count 3 was without substantial evidence. And considering how the investigation was done, vehicle content, recording of witness pretence and proof of mental deficiency support a reversal of conviction.

The state would have failed to present credible and substantial evidence to prove beyond a reasonable shadow of a doubt a cause for conviction.

WI Stat § 939.70

Presumption of innocence and burden of proof. No provision of chs. 939 to 951 shall be construed as changing the existing law with respect to presumption of innocence or burden of proof

The extent of fabrication of the report of officer Sather is such that it presents an impression of inconsistency. The fabrication continue at the end of his report when he stated that my remark was " ..that was dumb" at the end of the fleeing. When in fact i was crying loudly and said "I'm sorry". I was crying and too much in a state of shock to have ever had that kind of rational thought and thinking.

I attempted several times but without success to contact officers Campbell and Belisle of the Stillwater Police Department in Minnesota to verify matter. Officer Campbell and Belisle indicated in their report that they were among the first to approach and take me into custody.

ARGUMENT

The Case of Mental Health

In addressing the question on intelligently, knowingly and voluntarily. As unfamiliar as I am of the legal justice procedure, I filed what may not be the correct or proper motions with the trial court in an attempt to seek justice as the seriousness of my incompetency was not raised. In this argument section, are relevant evidentiary inclusions that may be helpful to arrive at a fair conclusion of lacking mental responsibility during and after trial. And citing Federal and State laws that offer protection of its citizen with mental disease.

In my research on major depression, it is put forward that it is a medical conditions that can usher in a degree of impairment, and may affect a person's decision-making capacity. Due to the fact that I suffered major depression with psychiatric issues throughout trial court proceedings *See Arg., pg. 13, 14, 15, 16*. It stands to reason that I did lack the ability to form rational understanding of court proceedings, and to significantly appreciate the seriousness of the charges. When gauged against my benighted state, trial court and counsel went on appearances only. This sense of normalcy lead to a manifest injustice. The assumption of capacity can only be overridden if the person concerned is assessed as lacking the mental capacity to make a particular decision for himself at the relevant time. If this client lacks capacity, then attorney Smestad can no longer take effective instructions. And in retrospect, I question Smestad's haste to conclude the case, despite my plea of innocent. And why more time was not spent following up on this information or documents on mental issues he had in his possession. I have organized proven facts and evidence for a hearing on the motions filed, or reversal of conviction with respect to the circumstances I was facing.

WI Stat § 971.15(3)

Mental disease or defect excluding responsibility is an affirmative defense which the defendant must establish to a reasonable certainty by the greater weight of the credible evidence.

18 U.S. Code § 4241(a)

At any time after the commencement of a prosecution for an offense and prior to the sentencing of the defendant, or at any time after the commencement of probation or supervised release and prior to the completion of the sentence, the defendant or the attorney for the Government may file a motion for a hearing to determine the mental competency of the defendant. The court shall grant the motion, or shall order such a hearing on its own motion, if there is reasonable cause to believe that the defendant may presently be suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense.

Unlike attorney Smestad, I was unknowledgeable of legal proceedings. Unable to understand the different kinds of pleas, the importance of rights and such things as burden of proof or the difference between a trial by judge or jury trial. And when coupled with my mental illness, I lack sufficient ability to assert myself and pursue an effective defense against the charges. As I am much better today, I aim to do so with rational understanding.

Furthermore, it is absurd to opined that a substantially intelligent person, knowing full well that he was not guilty of the crime he was accused of, would proceed without effective defense. My now proven psychiatric issues should be grounds for the Appeals Court of the State of Wisconsin to view these convictions as unfair and a remand or reverse decision made to yield to the compelling interest of justice.

ARGUMENT

The Case of Mental Health

1. I suffered untreated major depression several months before the incident of Oct. 12, 2013. A week before the incident, I was involuntarily committed for suicidal ideation at a psychiatric hospital. I was release without any treatment or medication or follow up assistance. The disease took root. The illness became debilitating. Daily experience of sadness, low energy and lack of will to do anything
2. My struggles were particularly challenging as I did not have support, or family or anyone having interest to assist. I was in need of psychiatric aide and assistance with court proceeding in this regard. To assist in such a manner to convey my diminish intellect and thought impairment. Unfortunately, the only support was then live-in girlfriend, Ms. Haukeness. Who continued to inflict further damage with intimidation and harassment. Harassment that were at times were very violent. Which contributed to the onset of my depression
3. As my mental health improves, I question why my condition was so severe. And thought that it may be hereditary, as I recall many years ago a senior family member was committed to an institution in Jamaica
4. At the time witnesses were available to offer testimonies of the severity of my psychiatric dilemma
5. The real question was whether I had sufficient mental capability to have fully understood and evaluated the charges, plea, the consequences and constitutional rights during the proceedings
The fact that I could not oppose Smestad's approach, testifies to my diminish capacity and will

A person whose mental condition is such that he lacks the capacity to understand the nature and object of the proceedings against him, to consult with counsel, and to assist in preparing his defense may not be subjected to a trial." Drope v. Missouri, 420 U.S. 162, 171 (1975).

The two-part "understand-and-assist" due process test for determining competency set forth in Dusky v. U.S., 362 U.S. 402 (1960), that considers whether a defendant: 1) has sufficient present ability to consult with his or her lawyer with a reasonable degree of rational understanding; and 2) has a rational as well as factual understanding of the proceedings. Thus, a defendant is incompetent if he or she lacks the capacity to understand the nature and object of the proceedings, to consult with counsel, and to assist in the preparation of his or her defense. State v. Byrge, 2000 WI 101, 237 Wis. 2d 197, 614 N.W.2d 477, 97-3217

6. A fair conclusion is that a document signed by a person that lack sufficient intelligence and absent of full control of his mental capacity, may be considered legally and morally voided in all fairness. My claim of incompetence subsequently raised after conviction. Especially if questions of the my mental capacity is challenged. Which can be liken to when wills are disputed many years after they have been made

Trial court should consider, in the interest of justice, granting a hearing to correct an error in or validate its ruling on motions filed. As a matter of principle, the assumption of capacity can only be overridden if the person concerned is assessed as lacking the mental capacity to make a particular decision for himself at the relevant time.

ARGUMENT

ARGUMENT

The Case of Mental Health

Physician call on Chapter 51; Mental Health Act of Wisconsin. Referred to psychiatric ward for observation. Suggesting my situation was too severe to ignore. This page is presented as an argument in print.

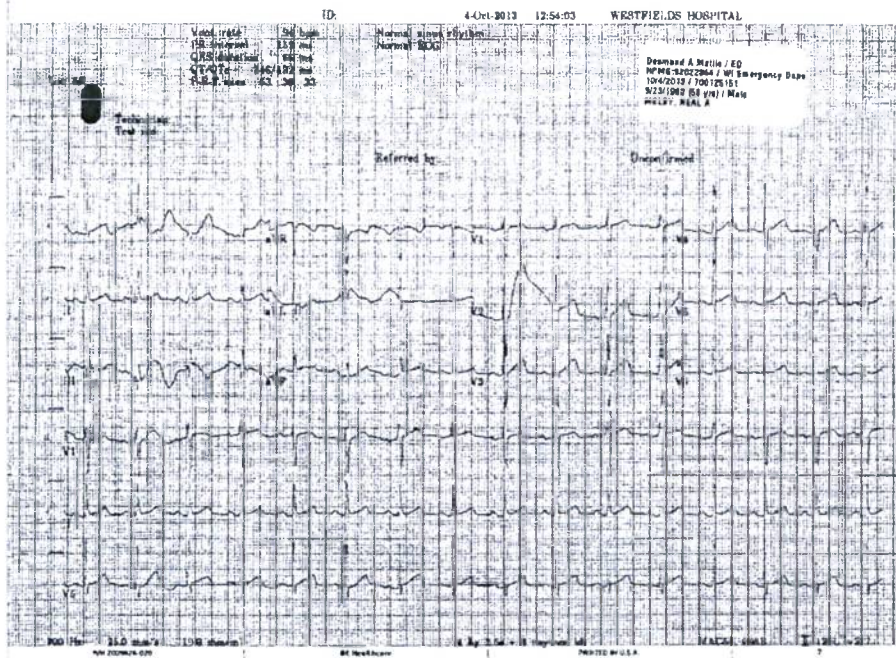
WESTFIELDS HOSPITAL
535 Hospital Road
New Richmond WI 54017
Pertinent info

MATTIS, DESMOND A
MRN: 92022364
DOB: 9/23/1960, Sex: M
Adm: 10/4/2013, D/C: 10/4/2013

Operative and Procedure Notes (continued)

Procedures signed by Melby, Neal A, MD at 10/7/2013 10:12 AM (continued)

Version 1 of 1



Electronically signed by Melby, Neal A, MD at 10/7/2013 10:12 AM

Consult Notes

No notes of this type exist for this encounter

ED Provider Notes

ED Provider Notes by Melby, Neal A, MD at 10/4/2013 3:16 PM

Author: Melby, Neal A, MD Service: (none) Author Type: HP PHYSICIAN
Filed: 10/4/2013 3:17 PM Note Time: 10/4/2013 3:16 PM Status: Signed
Editor: Melby, Neal A, MD (Physician)

Patient being transferred under chapter 51 to St. Joseph's psych by NRPD

ED Provider Notes signed by Melby, Neal A, MD at 10/4/2013 2:54 PM

Author: Melby, Neal A, MD Service: (none) Author Type: HP PHYSICIAN
Filed: 10/4/2013 2:54 PM Note Time: 10/4/2013 12:00 AM Status: Signed
Editor: Melby, Neal A, MD (Physician)

ARGUMENT

The Case of Mental Health

A document turned over to attorney Smestad before plea, to assist in defense and present to trial court. Demonstrating a physician determination of the seriousness of my illness. Seen below is the signature of officer Sather of NRPD. This page is presented as an argument in print only

STATE OF WISCONSIN, CIRCUIT COURT, _____ COUNTY For Official Use

IN THE MATTER OF THE CONDITION OF _____

Desmond Anthony Mattis
Name of Subject

09-23-1960
Date of Birth

Statement of
Emergency Detention by
Law Enforcement Officer

Law Enforcement
Agency No. NR2013002976
Court Case No. _____

- File this statement with the detention facility and court immediately. A probable cause hearing must be held within 72 hours of detention. (In Milwaukee County, file this statement with detention facility only.)
- Please print or type all information below. All blanks must be filled in.

I am a law enforcement officer and have cause to believe:

- The subject is mentally ill, drug dependent, or developmentally disabled.
- The subject evidences behavior which constitutes a substantial probability of physical harm to self or to others, or as otherwise set forth in §51.15(1), Wisconsin Statutes.

My belief is based on specific and recent dangerous acts, attempts, threats or omissions by the subject, as observed by me or reliably reported to me as stated below:

Dangerous Behavior:
When: 10-04-2013 @ 1230 Hours

Where: 645 A Circle Pine DR, New Richmond WI 54017

Describe Behavior: Desmond is feeling very depressed and is having thoughts of killing himself. Desmond said that he didn't know how he would kill himself but thought about crashing his vehicle at high speeds. Desmond is going through a break up with his fiancé of 6 years and doesn't believe he can go on any more without her. Desmond attempted to hang himself two weeks ago but See attached page

Witnesses to the dangerous behavior: (including officers who observed behavior) was interrupted by his fiancé.

Name of Witness	Telephone	Mailing Address	Relationship
<u>Annala Joy Hau Keness</u>	<u>715-378-2945</u>	<u>645 A Circle Pine DR, New Richmond WI 54017</u>	<u>ex fiancé</u>

(Name) Malissa Cameron of the Northwest Connections department of community programs (§51.42(3) Board) approves the need for this detention.

The subject was detained at (Name of §51.15(2) Facility) St. Joseph's Hospital
on (Date) 10-04-2013 at (Time) 3:59 am. pm.

Subject's Street Address 645 A Circle Pine DR City New Richmond County St. Croix State WI

- DISTRIBUTION:
1. Court - Original
 2. §51.15(2) Detention Facility
 3. Subject with Notice of Rights

Signature of Officer <u>[Signature]</u>	Department <u>New Richmond PD</u>
Name Printed or Typed <u>Julia M. Sather #4218</u>	Telephone <u>715-246-6667</u>

ME-501, 10/10 Statement of Emergency Detention by Law Enforcement Officer §51.15(4) and (5) Wisconsin Statutes
This form shall not be modified. It may be supplemented with additional material.

ARGUMENT

The Case of Mental Health

A document turned over to attorney Smestad before plea, to assist in defense and present to trial court. Based on the DSM-V code and description of a GAP of 50, this argues that serious impairment level existed at the time of entry of plea. This page is presented as an argument in print.

Jun. 2. 2014 11:56AM St. Croix Co. Medical Records No. 2059 P. 6

ADMISSION HISTORY AND EVALUATION

RE: Desmond A. Mattis

Page 3 of 3

He reports that he's had numerous other relationships, lasting six to seven years at a time but none had ever bothered him as much as losing this relationship to his current girlfriend, Pamela Haukeness. He reports that the two of them have had physical altercations together, but he sees his girlfriend as financially irresponsible. He reports some of the problems he has is that he gave her a large sum of money when they started dating because she had credit problems. This only caused him to have credit problems, and the couple has never gotten out of this difficulty. He reports that since the difficulties, as previously stated, the couple is back together and doing well with one another. Desmond does report that he was married once previously and has two children, Nicholas and Travis, who live in Jamaica with their biological mother.

Desmond reports that he works part time, seasonal, as a telemarketer. He states that during the breakup with his girlfriend he wasn't working much, and this only caused more financial problems.

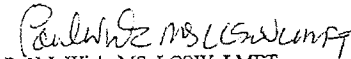
Desmond states that his main support is his girlfriend, but he also gets some support from the church that they attend. Desmond does not indicate his education.

IMPRESSIONS: Desmond attends appropriately dressed. He is very proper in his speech. He takes responsibility for his actions though at times seems to blame his girlfriend for some of the choices he's made. He is reporting symptoms in the major depression range as well as some PTSD symptoms in response to his contact with law enforcement and recognizing what he is currently facing. He is seeking individual therapy to help him with coping skills to help him deal with his current difficulties around this relationship as well as with the police.

Psychomotor activity was normal. Speech was spoken at a normal rate and volume. Showed no signs of a formal thought disorder. No hallucinations or delusions noted. He has had suicidal thought in the past though denies any currently. Mood was depressed and anxious. Affect restrained. Oriented to name, place, and time. Cognition clear. Insight fair.

DIAGNOSIS:

- Axis I: 296.22 Major Depression, single episode, moderate
300.00 Anxiety Disorder, NOS
- Axis II: Dependent traits
- Axis III: Diabetes
- Axis IV: Moderate to severe stress in relationship and legal difficulties
- Axis V: GAP: 50


Paul J. Wick, MS, LCSW, LMFT
Psychotherapist

nis
D: 01/20/2014
T: 01/24/2014

St. Croix County
Dept of Health & Human Services
Medical Records Department
1445 N Fourth Street
New Richmond WI 54017

CONFIDENTIAL: Disclosure without patient consent or statutory authorization is prohibited by law.

Received Time Jun. 2. 2014 11:54AM No. 3991

ARGUMENT

The Case of Mental health

An argument that my illness continued long after court proceeding ended.

This page is presented as an argument in print.

Desmond Mattis #8339
DOB: 9-23-60

Life Point Counseling Psych-Social /AODA History

truck. The bed had been moved back indoors. That set him off again with crying. The female friend went in to talk to GF. The GF called the police again and he was stopped as he was leaving the house the police stopped him. ~~The female friend~~

Rude, very frightening, anger from the cop. Client says that he just began crying again. The cop apparently was not satisfied with the response, the client was feeling anxious, tense and in the split second the client drove away fearing that the cop was going to shoot him. (The cop was Hispanic and client says some Hispanics hate Blacks)
He was now charged with fleeing a police officer and crossing the border (into MN).

He says today, he is now clear-headed and can see the situation. He thinks that her friends are still friends despite those friends not supporting this relationship. She called him to get back together. He states that they have talked about the incident and have been able to find some conclusion.
Suicidal thoughts: break-up begged, pleaded with her to stay. He said that he thought he would hang himself by throwing a jump rope over the ceiling fan and try to hang himself. He says that she walked in and said to him that she wasn't impressed. She was cold and walked away.

MENTAL HEALTH HISTORY/SUICIDAL-HOMOCIDAL HISTORY OR CURRENT
FAMILY-SOCIAL HISTORY

Depression: crying daily, felt overwhelmed, not sleeping.
Family member in Florida

DIAGNOSTIC IMPRESSION/SUMMARY OF PLAN/TREATMENT RECOMMENDATIONS
MENTAL STATUS

The client meets criteria according to the DSM-IV-TR.

Axis I: Depressive Disorder 311; Anxiety Disorder 300.00
Axis II: no diagnosis
Axis III: no diagnosis
Axis IV: legal, relationship issues
Axis V: 50

The client presents himself in a direct manner, he is well dressed.
He describes his experience as traumatic. He says that he is over her completely. Devastating. But what has happened now is that these current court things are affecting his life. He feels depressed; the charges were reduced from felony to misdemeanor with probation for 18 months. This is under a domestic charge. He says that she fabricated stories about what happened between them. He states that she was physical with him. He says that she says that no one will believe him now because he is under the DV offender.

He is an immigrant from Jamaica. Felony could have meant deportation. He felt that the judge understood, states that he saw that client went through a lot.
He is a good man, meant no harm. Big heart.

ARGUMENT

The Case of Mental Health

This page is presented as an argument in print.

Desmond Mattis #8339
DOB: 9-23-60

Life Point Counseling Psych-Social /AODA History

He says that he is planning to move out from her, he is over her. Looking for a job and plans to move.
He thinks that it would be a matter of time that the GF will make up something up about him, lie to the police.
If he is being truthful then she sounds controlling.

He begins to cry during the session as he tells me the way she physically attacked him.

12/22/14: The client is discharged. The client was scheduled for a session on 11/11/14 and did not show up. My understanding is that he may have been in jail

Julie Niver UCCSAC 12/22/14

Julie Niver, LPC, CSAC

Dr. Steve Staehling 12/22/14
Dr. Steve Staehling, MD
Supervising Physician

ARGUMENT

The Case of Mental Health

This page is presented as an argument in print.



New Wellness Associates
Quality and Competency in Behavioral Health Care

10/16/15

Desmond Mattis
1700 Roosevelt St.
Little Chute, WI 54140

Re: Desmond Mattis
DOB: 9/23/60

To whom it may concern,

Mr. Mattis was seen on 5/12/15, 5/21/15, 5/28/15, 6/4/15, 7/9/15, 9/30/15 & 10/15/15. He is diagnosed with Adjustment Disorder with Mixed Anxiety & Depressed Mood, R/O PTSD.

Mr. Mattis goals were to decrease his anxiety and depressive symptoms as measured by his report, increase self-care and ability to grieve the loss of an important relationship, put a safety plan into place to cope with his suicide ideation.

As of today, Mr. Mattis has met those goals.

Respectfully,

Marya Liechti, MSE, LPC, NCC, MAC, SAC

Green Bay Office
2733 S. Ridge Rd.
Green Bay, WI 54304
920-497-6200

1-800-369-6363

FAX 920-497-3135

Kaukauna Office
2420 Crooks Ave.
Kaukauna, WI 54130
920-766-5040

ARGUMENT

The Case of Mental Health

This page is presented as an argument in print.



New Wellness Associates

Quality and Competency in Behavioral Health Care

10/16/15

Desmond Mattis
1700 Roosevelt St.
Little Chute, WI 54140

Re: Desmond Mattis
DOB: 9/23/60

To whom it may concern,

Mr. Mattis was seen on 5/12/15, 5/21/15, 5/28/15, 6/4/15, 7/9/15, 9/30/15 & 10/15/15. He is diagnosed with Adjustment Disorder with Mixed Anxiety & Depressed Mood, R/O PTSD.

Mr. Mattis goals were to decrease his anxiety and depressive symptoms as measured by his report, increase self-care and ability to grieve the loss of an important relationship, put a safety plan into place to cope with his suicide ideation.

As of today, Mr. Mattis has met those goals.

Respectfully,

Märya Liechiti, MSE, LPC, NCC, MAC, SAC

Green Bay Office
2733 S. Ridge Rd.
Green Bay, WI 54304
920-497-6200

1-800-369-6363

FAX 920-497-3135

Kaukauna Office
2420 Crooks Ave.
Kaukauna, WI 54130
920-766-5040

ARGUMENT

The Case of Mental Health

A narrative from the DSM-IV publication, 4th edition, 1994. This argument presents a description of function of a person diagnosed with mental disease. I was assessed on Axis V at 50. Indicating a state of diminished intelligence and knowledge. This page is presented as an argument in print

Abnormal Psychology – Dr. Brian Burke

The multi-axial system of the *DSM-IV* (*Diagnostic and Statistical Manual of Mental Disorders*, 4th edition, 1994) is the way in which the *DSM-IV* tries to address "the whole person." It grows out of the professional conviction that, in order to intervene successfully in an emotional or psychiatric disorder, we need to consider the affected person from a variety of perspectives.

In *DSM-IV*, clinical disorders are listed on 3 separate axes as described below (NOTE that, in *DSM-5*, all of these will be listed on a single axis).

Axis I refers broadly to the principal disorder that needs immediate attention; e.g., a major depressive episode, an exacerbation of schizophrenia, or a flare-up of panic disorder. It is usually (though not always) the Axis I disorder that brings the person "through the office door."

Axis II lists any personality disorder that may be shaping the current response to the Axis I problem. Axis II also indicates any developmental disorders, such as mental retardation or a learning disability, which may be predisposing the person to the Axis I problem. For example, someone with severe mental retardation or a paranoid personality disorder may be more likely to be "bowled over" by a major life stressor, and succumb to a major depressive episode.

Axis III lists any medical or neurological problems that may be relevant to the individual's current or past psychiatric problems; for example, someone with severe asthma may experience respiratory symptoms that are easily confused with a panic attack, or indeed, which may precipitate a panic attack.

Axis IV codes the major psychosocial stressors the individual has faced recently; e.g., recent divorce, death of spouse, job loss, etc.

Axis V codes the "level of function" the individual has attained at the time of assessment, and, in some cases, is used to indicate the highest level of function in the past year. This is coded on a 0-100 scale, with 100 being nearly "perfect" functioning (none of us would score that high!).

ARGUMENT

The Case of Mental Health

A narrative reference of the DSM-IV publication, 4th edition, 1994. This argument presents a description GAF Code and shows where impairment exist of a person with mental disease. A diagnosis code of 50 falls in the range 41-50, serious impairment in functions. This page is presented as an argument in print.

Global Assessment of Functioning (GAF) Scale (DSM–IV, Axis V)

Note: This version of the GAF scale is intended for academic use only. Although it is based on the clinical scale presented in the DSM - IV, this summary lacks the detail and specificity of the original document. The complete GAF scale on page 32 of the DSM - IV should be consulted for clinical use.

Code	Description of Functioning
91 - 100	Person has no problems OR has superior functioning in several areas OR is admired and sought after by others due to positive qualities
81 - 90	Person has few or no symptoms . Good functioning in several areas. No more than "everyday" problems or concerns.
71 - 80	Person has symptoms/problems, but they are temporary, expectable reactions to stressors . There is no more than slight impairment in any area of psychological functioning.
61 - 70	Mild symptoms in one area OR difficulty in one of the following: social, occupational, or school functioning. BUT, the person is generally functioning pretty well and has some meaningful interpersonal relationships.
51 - 60	Moderate symptoms OR moderate difficulty in one of the following: social occupational, or school functioning.
41 - 50	Serious symptoms OR serious impairment in one of the following: social, occupational, or school functioning.
31 - 40	Some impairment in reality testing OR impairment in speech and communication OR serious impairment in several of the following: occupational or school functioning, interpersonal relationships, judgment, thinking, or mood.
21 - 30	Presence of hallucinations or delusions which influence behavior OR serious impairment in ability to communicate with others OR serious impairment in judgment OR inability to function in almost all areas.

ARGUMENT

The Case of Mental Health

I was diagnosed with Major Depression (Depressive Disorder) which continued throughout court proceedings. As assessment documents and dates shows *id.* p. 17, 18. And I experienced nearly all symptoms listed below during this period and after. Notably line 8 and 9 were very prevalent.

DSM-V AXIS-I Analyzed (DEPRESSIVE DISORDER)

*Diagnostic criteria for 296.22 Major Depressive Disorder,
Single Episode (Moderate)*

Five (or more) of the following symptoms have been present during the same 2-week period and represent a change from previous functioning; at least one of the symptoms is either (1) depressed mood or (2) loss of interest or pleasure.

- (1) depressed mood most of the day, nearly every day, as indicated by either subjective report (e.g., feels sad or empty) or observation made by others (e.g., appears tearful). Note: In children and adolescents, can be irritable mood.*
- (2) markedly diminished interest or pleasure in all, or almost all, activities most of the day, nearly every day (as indicated by either subjective account or observation made by others)*
- (3) significant weight loss when not dieting or weight gain (e.g., a change of more than 5% of body weight in a month), or decrease or increase in appetite nearly every day.
Note: In children, consider failure to make expected weight gains.*
- (4) Insomnia or hypersomnia nearly every day*
- (5) Psychomotor agitation or retardation nearly every day (observable by others, not merely subjective feelings of restlessness or being slowed down)*
- (6) Fatigue or loss of energy nearly every day*
- (7) Feelings of worthlessness or excessive or inappropriate guilt (which may be delusional) nearly every day (not merely self-reproach or guilt about being sick)*
- (8) Diminished ability to think or concentrate, or indecisiveness, nearly every day (either by subjective account or as observed by others)*
- (9) Recurrent thoughts of death (not just fear of dying), recurrent suicidal ideation without a specific plan, or a suicide attempt or a specific plan for committing suicide*

See American Psychiatric Association: Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition. Arlington, VA, American Psychiatric Association, 2013, p 160, 161

ARGUMENT

The Case of Mental Health

This page provides detail description of areas of function affected and the accompanying impairment. I was diagnosed and coded at GAF 50 on Axis V.

AXIS V: Diagnosis of GAF 50 and its relevant description

- 1. GAF stands for "Global Assessment of Functioning. The GAF is a scale from 0 to 100 where higher scores indicate greater levels of functioning. Optimal mental health and coping capabilities are represented by scores in the 91 – 100 range. Persons with mild psychological problems fall in the 71 – 90 range. Severe problems fall in the 21 – 30 range and 1 – 10 is reserved for persistently suicidal persons or persons incapable of meeting even minimal personal hygiene standards. The GAF rating is made as a standard part of all psychiatric/psychological diagnoses.*
- 2. This is a simple ratings scale from the DSM (Diagnostic and Statistical Manual of Mental Disorders) for how well a person is able to function and go about their live. 100 is perfect functioning, and 1 is horrible functioning (severe danger to self or others). The value 0 is used to represent cases where GAF cannot be estimated. When a psychiatric diagnosis is made, there are actually five components to it, each of which is called an Axis. The psychological parts of the diagnosis are made on Axis I and Axis II. The Medical part is made on Axis III. the Social/Economic part is made on Axis IV (4) and finally, the GAF is included as Axis V (5). A GAF of 40 suggests the following level of functioning is the case:*
- 3. Some impairment in reality testing or communications (e.g., speech is at times illogical, obscure or irrelevant) or major impairment in several areas , such as work or school, family relations, judgment, thinking or mood (e.g., depressed man avoids friends, neglects family).
A GAF score between 51 and 60 means moderate symptoms of mental illness are present, or that a person's functioning in school, work, or social situations is moderate impaired. The DSM provides some examples of moderate mental illness, one or more of which might be present, but none necessarily so: Flat affect and circumstantial speech, occasional panic attacks. Examples of moderate functional impairments are: few friends, and conflicts with peers or co-workers.*

MentalHelp.net, GAF explained

ARGUMENT

The Case of Mental Health

This argument illustrate that my mental disease continues long after court proceeding

March 15, 2016

To Whom It May Concern:

I am writing this letter with the permission of Desmond Mattis to document his mental struggles in the last 18 months. I became friends with Desmond in January of 2015 and have witnessed his battle with poor mental health and severe depression.

Desmond has been seeking counseling on and off for his depression, that has at times become close to debilitating and even considering taking his own life.

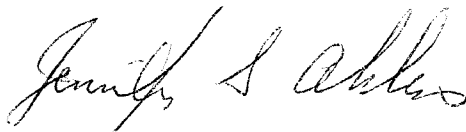
He has been able to maintain enough motivation and energy to continue with his job, but returns home and hibernates. He has been unable to fully join in with group/social activities. When invited to gatherings he would respond with a tentative affirmative, but as the event arrived, he was unable to "step out" to join in and feel able to communicate in a social situation. He was invited to attend a wedding on August 15, 2015 and had indicated he would attend as late as the Wednesday before but when the weekend arrived, he could not bring himself to be among other people. He was invited to a Christmas gathering but couldn't even summon the energy to decline.

His thoughts of ending his life were very prevalent at times. He attempted to use carbon monoxide by running his car in a closed garage. He parked on railroad tracks, thinking to stay there to be hit by a train. He purchased insecticide and kept it in his locker at work so he could swallow it if he were ever to be arrested at work.

Desmond also appears to suffer from a form of PTSD and panic attacks. While driving, a police car came up behind him and was very close (tailgating) and he was unable to continue driving in a normal fashion. He needed to pull off and allow the vehicle behind him to go past before he was able to continue driving. When he was given information that his ex-girl friend was planning to have a warrant issued against him and have him arrested, he became quite panicked and kept his curtains drawn and was fearful of answering the door.

In my observation, at times, he appeared to be making some emotional progress, however, before long, he would regress.

Although there has been some improvement, in my opinion he continues to struggle with his depression.



Jennifer S. Ahlers

N1957 County Rd. S

Wautoma, WI 54982

ARGUMENT

The Case of Mental Health

This page is presented as an argument in print

ACKNOWLEDGMENT CERTIFICATE

State of WI

County of Green Lake

On 24th June 2016

Jennifer S. Ahlers personally appeared before me,

____ who is personally known to me

whose identity I proved on the basis of DRIVERS LICENSE

____ whose identity I proved on the oath/affirmation of WI

____, a credible witness

to be the signer of the attached document, and he/she acknowledged that he/she signed it.

(seal)

Angela M. Fralish

Notary Public

Angela M. Fralish

My commission expires Feb 26, 2017

ARGUMENT

The Case of Mental Health

This argument illustrate that my mental disease continues long after court proceeding
This page is presented as an argument in print only

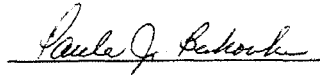
June 29, 2016

Re: Desmond A. Mattis

To Whom It May Concern:

I have known the above named individual since November 2015. Since that time I have observed mood swings, sleeplessness, anxiety and varying degrees of depression. Although he states there has been some reduction in these problems, they are a continuing problem that affects his normal routines.

He recounted traumatic incidents of 2013 involving law enforcement that has contributed to these psychological effects. The episode caused severe depression and I understand he is pursuing legal action regarding the subsequent conviction.




Paula J. Bakovka
1440 Wisconsin Street
Wisconsin Rapids, WI 54494

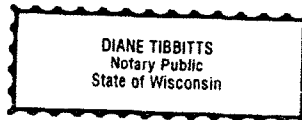
State of Wisconsin
County of Wood

On this, the 8th day of July, 2016, before me a notary public, the undersigned officer, personally appeared Paula J Bakovka, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that she executed the same for the purposes therein contained.

In witness hereof, I hereunto set my hand and official seal.



Diane Tibbitts
My Commission Expires 8-21-2018
Notary Public



ARGUMENT

Abused while on trial

Motion was filed in the court with recorded evidence was that I was subjected to physical and mental abuse by complaining witness Pamela H. Which occur while facing charges in the court. raising credibility questions on allege victim information. Furthermore, according to Wisconsin Statutes, a crime was being committed against this defendant, Desmond Mattis. And points to trial court error in its order in deferred prosecution, when it stated; "NO ABUSIVE CONTACT with the complaining witness, Pamela H". when in fact abuse was happening the other way around. Being done by complaining witness Pamela Haukeness.

See Record, Motion for admissibility of new evidence of the allege victim's violent character

The allege victim's deceptive and aggressive habits contributed to the escalation of events. For which I was wrongly charged and convicted.

These evidence were discovered after my Sentencing and filed in a motion in trial court..

940.32(a) Stalking

The actor intentionally engages in a course of conduct directed at a specific person that would cause a reasonable person under the same circumstances to suffer serious emotional distress or to fear bodily injury to or the death of himself or herself or a member of his or her family or household

WI Stat § 947.013 Harassment.(1m)

Whoever, with intent to harass or intimidate another person, does any of the following is subject to a Class B forfeiture:

(a) Strikes, shoves, kicks or otherwise subjects the person to physical contact or attempts or threatens to do the same

CONCLUSION

The Relief Sought

The complaint on disorderly conduct was accepted at face value without the sufficiency of substantial proof. And with the provision of new evidence, shed doubt on its credibility and validity. This, together with inadequate representation and my impairment should provide grounds for a reversal of this conviction.

The contact after domestic arrest charge was created by probable cause by officer negligence. And with constitutional dimension and statutes raised in this case, a remit to trial court or reverse.

A rendering of conviction on Attempting to Flee or Elude a Traffic Officer without exploring the lacked of *substantial mental capacity at the time of this action amounted to a manifest injustice.*

And because psychiatric problems existed at the time of conviction, trial procedure and convictions goes against Federal and State codes and statutes.

Based on the foregoing, I Desmond Anthony Mattis behooves the Wisconsin Court of Appeal to exercise its authority and order the following:

- 1) Discretionary reversal of trial court's decision and order on motion for Post Conviction Relief
- 2) Discretionary reversal of convictions on count 1, 2 and 3



Desmond Anthony Mattis

Date

FORM AND LENGTH CERTIFICATION

I hereby certify that this brief conforms to the rules contained in §809.19(8)(b) and (c) for a brief produced with a [choose one] monospaced or proportional serif font.

The length of this brief is 44 pages [if a monospaced font is used] or 6330 words [if a proportional serif font is used].

Date: _____



Signature: _____

**Notes:**

This form and length certification must be included at the end of each brief. See also Wis. Stat. § (Rule) 809.50(4), 809.51(4) and 809.62(4) for additional form and length requirements.

Examples of fonts acceptable under §809.19(8)(b):

A monospaced font must be 10 characters per inch; double-spaced; a 1.5 inch margin on the left side and 1 inch margins on all other sides. This font is Courier New-12.

A proportional serif font must have a minimum printing resolution of 200 dots per inch, 13 point body text, 11 point for quotes and footnotes, leading of a minimum 2 points, maximum of 60 characters per full line of body text. This font is Times New Roman, 13 point.

APPENDIX

Appeal No. 2016AP000982

Desmond Anthony Mattis

Appellant

8/23/2016

APPENDIX

TABLE OF CONTENT

DOCUMENT OF THE CASE

Relevant portion of the criminal complaint _____ PAGE 2

DOCUMENT OF THE CASE

Relevant portions of deferred prosecution _____ PAGE 3

DOCUMENT OF THE CASE

Letter filed seeking redress on the case _____ PAGE 4

DOCUMENT OF THE CASE

Relevant portions of motions filed _____ PAGE 5-6

DOCUMENT OF THE CASE

Relevant portions of the State's motions _____ PAGE 7

DOCUMENT OF THE CASE

Relevant letter of response to State's motion _____ PAGE 8

COURT'S DECISION AND ORDER

Trial Court order and decision denying motion _____ PAGE 9-10

APPENDIX CERTIFICATE

Relevant portions of motions filed _____ PAGE 11